

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-0745 MMC

Plaintiff,

**ORDER DENYING REQUEST FOR  
ORDER OF PLACEMENT IN HOME  
CONFINEMENT**

v.

MICHAEL J. FOX,

Defendant.

Before the Court is defendant's letter, dated December 20, 2007 and filed by the Clerk on January 2, 2008, by which defendant seeks an order directing that he serve the final two months of his federal prison term in home confinement rather than in a half-way house, see 18 U.S.C. § 3624(c), based on family circumstances and his exceptional conduct while incarcerated.

Once a sentence to a term in federal prison has been imposed, the placement of the prisoner is a matter solely within the discretion of the Bureau of Prisons. See 18 U.S.C. §§ 3621(b), 4042; see also U.S. v. McKune 536 U.S. 24 (2002) ("It is well settled that the decision where to house inmates is at the core of prison administrators' expertise.") Nor, with very limited exceptions not presented herein, does the sentencing court have the authority to modify the terms of the sentence as initially imposed. See Fed. R. Crim. P. 35.

Accordingly, the request is hereby DENIED, without prejudice to defendant's raising his concerns with the Bureau of Prisons directly.

**IT IS SO ORDERED.**

Dated: January 10, 2008

*Makeine M. Chesney*  
 MAKINE M. CHESNEY  
 United States District Judge